

AN ACT

To repeal sections 650.052 and 650.055, RSMo,
and to enact in lieu thereof two new sections
relating to DNA profiling system, with
penalty provisions.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF MISSOURI,
AS FOLLOWS:

Section A. Sections 650.052 and 650.055, RSMo, are repealed
and two new sections enacted in lieu thereof, to be known as
sections 650.052 and 650.055, to read as follows:

650.052. 1. The state's DNA profiling system shall:

(1) Assist federal, state and local criminal justice and
law enforcement agencies in the putative identification,
detection or exclusion of individuals who are subjects of the
investigation or prosecution of **[violent or sex-related crime]**
any felony offense or any sexual offense under chapter 566, RSMo,
and juveniles who are subjects of investigation or adjudication
of any felony offense or any sexual offense under chapter 566,
RSMo, in which biological evidence is recovered from the crime
scene; and

(2) Support development of a population statistics
database, when personal identifying information is removed; and

(3) Support identification research and protocol
development of forensic DNA analysis methods; and

(4) For quality control purposes; or

(5) Assist in the recovery or identification of human remains from mass disasters, or for other humanitarian purposes, including identification of living missing persons.

2. The Missouri state highway patrol shall act as the central repository for the DNA profiling system and shall coordinate with the Federal Bureau of Investigation on the national database program.

3. The Missouri state highway patrol may promulgate rules in accordance with Federal Bureau of Investigation recommendations for the form and manner of collection of blood or other scientifically accepted biological samples and other procedures for the operation of sections 650.050 to 650.057. No rule or portion of a rule promulgated pursuant to the authority of this section shall become effective unless it has been promulgated pursuant to the provisions of section 536.024, RSMo.

4. The Missouri state highway patrol shall provide the necessary components for collection of the convicted offender's biological samples. The specimens shall thereafter be forwarded to the Missouri state highway patrol crime laboratory.

5. The state's forensic DNA laboratories shall meet quality assurance standards specified by the Missouri state highway patrol and the Federal Bureau of Investigation to ensure quality DNA identification records submitted to the central repository.

6. The state's forensic DNA laboratories may provide the system for identification purposes to criminal justice, law

enforcement officials and prosecutors in the preparation and utilization of DNA evidence for presentation in court and provide expert testimony in court on DNA evidentiary issues.

650.055. 1. Every individual who pleads guilty or nolo contendere to or is convicted in a Missouri circuit court, of [a] any felony[, defined as a violent offense under chapter 565, RSMo,] offense or [as a sex] any sexual offense under chapter 566, RSMo, excluding sections 566.010 and 566.020, RSMo, and every juvenile who is adjudicated for any felony offense or any sexual offense under chapter 566, RSMo, excluding sections 566.010 and 566.020, RSMo, shall have a blood or scientifically accepted biological sample collected for purposes of DNA profiling analysis:

(1) Upon entering the department of correction's reception and diagnostic centers; or

(2) Before release from a county jail or detention facility or any juvenile detention facility or residential care facility; or

(3) If such individual is under the jurisdiction of the department of corrections on or after August 28, ~~[1996]~~ 2004. Such jurisdiction includes persons currently incarcerated, persons on probation, as defined in section 217.650, RSMo, and on parole, as also defined in section 217.650, RSMo;

(4) If such juvenile is under the jurisdiction of the juvenile court pursuant to chapter 211, RSMo, on or after August

28, 2004.

2. The Missouri state highway patrol and department of corrections shall be responsible for ensuring adherence to the law. Any person required to provide a DNA sample pursuant to this section shall be required to provide such sample, without the right of refusal, at a collection site designated by the Missouri state highway patrol and the department of corrections. Authorized personnel collecting or assisting in the collection of samples shall not be liable in any civil or criminal action when the act is performed in a reasonable manner. Such force may be used as necessary to the effectual carrying out and application of such processes and operations. The enforcement of these provisions by the authorities in charge of state correctional institutions and others having custody of those convicted of the felony which shall not be set aside or reversed, is hereby made mandatory.

3. The procedure and rules for the collection, analysis, storage, expungement, use of DNA database records and privacy concerns shall not conflict with procedures and rules applicable to the Missouri DNA profiling system and the Federal Bureau of Investigation's DNA data bank system.

4. Unauthorized uses or dissemination of individually identifiable DNA information in a database for purposes other than criminal justice or law enforcement is a class A misdemeanor.

5. Implementation of section 650.050 and this section shall be subject to future appropriations to keep Missouri's DNA system compatible with the Federal Bureau of Investigation's DNA data bank system.